

(Del. Rev. 12/06)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FILED
U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 DEC 14 PM 2:50

James E. Tucker

(Name of Plaintiff or Plaintiffs)

v.

CIVIL ACTION NO. 07-817

John E. Potter

(Name of Defendant or Defendants)

COMPLAINT

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 as amended 42 U.S.C. 2000e et seq. (Federal statute on which action is based)
for discrimination related to race and reprisal for prior EEO activity jurisdiction exists by virtue of
(In what area did discrimination occur? e.g. race, sex, religion)
denial of Equal employment opportunities.
(Federal statute on which jurisdiction is based)

2. Plaintiff resides at 143 Wellington Way
(Street Address)
Middletown New Castle DE 19709
(City) (County) (State) (Zip Code)
(302) 378-2698
(Area Code) (Phone Number)

3. Defendant resides at, or its business is located at _____
(Street Address)
Washington D.C.
(City) (County) (State) (Zip Code)

4. The alleged discriminatory acts occurred on 30, January, 2007
(Day) (Month) (Year)

5. The alleged discriminatory practice Q is Q is not continuing.

6. Plaintiff(s) filed charges with the U. S. Equal Employment Opportunity Commission
 (Agency)
P.O. Box 19848 Washington, D.C. 20036
 (Street Address) (City) (County) (State) (Zip)
 regarding defendant(s) alleged discriminatory conduct on: 1/30/07
 (Date)

7. Attach decision of the agency which investigated the charges referred in paragraph 6 above.

8. Was an appeal taken from the agency's decision? Yes Q No Q

If yes, to whom was the appeal taken? _____

9. The discriminatory acts alleged in this suit concern: (Describe facts on additional sheets if necessary)

(See Attached)

10. Defendant's conduct is discriminatory with respect to the following:

- A. Q Plaintiff's race
- B. Q Plaintiff's color
- C. Q Plaintiff's sex
- D. Q Plaintiff's religion
- E. Q Plaintiff's national origin

11. Plaintiff prays for the following relief: (Indicate the exact relief requested)

1. Plaintiff requests the same treatment former Branch President John Brown received from 1999- May 2006. (Approx. 30 hrs of Union time per week)

2. Payment of each hour denied at the overtime rate until violation ceases.

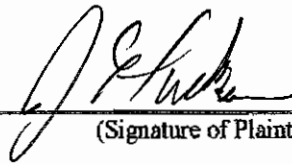
3. For Pain / Suffering-compensatory damages (\$ amount to be determined at a later date)

4. Punitive damages (\$ amount to be determined at a later date)

5. Make Plaintiff whole in every way including future earnings denied because of action taken.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 12/14/07



(Signature of Plaintiff)

RECEIVED
OCT 12 2007
EEOC-OFO

U. S. Postal Service ROUTING SLIP		Dept., Office or Room No.	<input type="checkbox"/> Approval <input type="checkbox"/> Signature <input type="checkbox"/> Comment <input type="checkbox"/> See Me <input type="checkbox"/> As Requested <input type="checkbox"/> Information <input type="checkbox"/> Read and Return <input type="checkbox"/> Read and File <input type="checkbox"/> Necessary Action <input type="checkbox"/> Investigate <input type="checkbox"/> Recommendation <input type="checkbox"/> Prepare Reply <input type="checkbox"/>
To:	1 Director, Office of Federal Operations		
2			
3			
4			
5			
From: Ed Tucker Branch President		Extension	
Date:		Room No.	
Remarks:			
<p>Dear Sir,</p> <p>I am requesting my EEO case for reconsideration. Your agency has denied on the grounds that the proper forum for this case is the collective bargaining grievance procedure. Although it could be pursued thru that venue, it is also appropriately before this commission as well. Based on the fact discriminatory practices are occurring daily at this facility. The individual who is being charged has taken action to prevent me from being elected in the upcoming election. This is occurring by him denying me time to perform my daily duties as President. My predecessor had the opportunity year after year to perform his duties with ample Union time opportunities. I have been denied this opportunity because of my race to promote his own race in the next election.</p>			

ITEM 0-13, Aug. 1976

(Additional Remarks on Reverse)

GPO 1993 O - 349-591

Corrections and Additions
Case # WIL17JET07
LN# C00M-1C-C07090304

The Union has filed numerous grievances concerning this Union time issue or lack thereof. The following Grievance numbers are to be considered part of this record, as they are essentially the same issue:

- | | | |
|--------------------|-----------------------|-------------------------|
| 1. UN: WIL7JET07 | LN: C00M-1C-C07086781 | PAY 5 HOURS AT OT RATE |
| 2. UN: WIL8JET07 | LN: C00M-1C-C07086789 | PAY 5 HOURS AT OT RATE |
| 3. UN: WIL9JET07 | LN: C00M-1C-C07086793 | PAY 5 HOURS AT OT RATE |
| 4. UN: WIL17JET07 | LN: C00M-1C-C07090304 | PAY 16 HRS AT OT RATE |
| 5. UN: WIL18JET07 | LN: C00M-1C-C07104213 | PAY 9 HOURS AT OT RATE |
| 6. UN: WIL19JET07 | LN: C00M-1C-C07104215 | PAY 4 ½ HRS AT OT RATE |
| 7. UN: WIL20JET07 | LN: C00M-1C-C67110716 | PAY 5 HOURS AT OT RATE |
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| 9. UN: WIL24JET07 | | PAY 38 HOURS AT OT RATE |
| 10. UN: WIL28JET07 | | PAY 24 HOURS AT OT RATE |
| | | PER WEEK UNTIL PRACTICE |
| | | CEASES! |

Management has repeatedly denied Union Official Ed Tucker Union time in violation of Art 17. Furthermore grievant contends discriminatory practices are occurring daily at the Wilmington P & D C. Supervisor Shed Williams (who is African American) is denying grievant (who is white) comparable Union time as former Branch President John Brown (who is African American) received. (See attached EEO exhibit) Article 2 forbids this blatant discriminatory practice. Grievant is willing to testify that John Brown received on average approx. 30 plus hrs a week of Union time with many weeks getting 40 hours of Union time when he requested and received a change of schedule for that week. Even when he was occasionally on the floor he would work an hour and then disappear for hours presumably on Union time or at least in the Union office. This was intentionally overlooked by Supervisor Williams. Upon requesting Clocks rings of John Brown it was realized that he failed to often clock in on the operation 612 (a union time operation) and remained on other operations for most of his Union Time. Furthermore, he failed to use form 7020 during his tenure. Regardless of his lack of a paper trail, the Union contends he was on Union time for most of his tenure as Branch President. Grievant is being denied equal employment opportunities in regards to this issue by Shed Williams. Grievant only requests the same treatment former Branch President John Brown received from 1999 to May of 2006 providing him the same opportunity as his predecessor had to be successful. (More corrections and additions will be added to the record once grievant is afforded Union time)

APR - 2 2007



Certified Mail No.	Date Mailed <i>or</i> Hand Delivered on
By (Initials)	Case No.

Information for Pre-Complaint Counseling

On 3/8/2007, you requested an appointment with a Dispute Resolution Specialist.
(Month, Day, Year)

Important: Please read. You should complete this form and return it to the EEO office *within 10 calendar days* of receipt. This is the only notification that you will receive regarding the necessity for you to complete this form.

A. Requester Information

Name (Last, First, MI)	Social Security	Home Telephone No.
Tucker, (J)ames Edwin	222-54-7478	(302) 378-2698
Your Mailing Address	Finance Number	
143 Wellington Way Middletown, DE 19709	01331570	
Name of Postal Facility Where You Work	Office Telephone No.	
Wilmington, DE P & D C	(302) 323-2281	
Address of Postal Facility	Email Address*	
147 Quigley Blvd, Wilmington, DE 19850		
Employment Status (Check One)	Position Title	Grade Level
<input type="checkbox"/> Applicant <input type="checkbox"/> Casual <input type="checkbox"/> TE <input checked="" type="checkbox"/> Career	Mail Handler/ Union Branch President	4
Pay Location	Off Days (If Tour 1, Show Nights Off)	Time in Current Position
244	Saturday/ Sunday	20 Years 8 Months
Your Supervisor's Name	Supervisor's Title	Supervisor's Telephone No.
Shed Williams	S.D.O.	() 302 323-2281

*Providing this information will authorize the U.S. Postal Service to send you important documents electronically.

B. Discrimination Factors

Prohibited discrimination includes actions taken based on your **Race, Color, Religion, Sex, Age (40+), National Origin, Physical and/or Mental Disability, or in Retaliation** (actions based on your participation in prior EEO activity). These categories are referred to on this form as factors.

What factor(s) of Discrimination are you alleging? (Please be specific, i.e., Race-African American, Sex-Female).

Racial Discrimination
Retaliation

For Retaliation Allegations Only. If you are alleging retaliation discrimination, provide the date(s) and specifics of the EEO activity that you feel caused you to be retaliated against.

- On 5/22/02, I engaged in EEO activity. Case No.: 1C-081-0032-02
(Month, Day, Year)
- On _____, I engaged in EEO activity. Case No.: _____
(Month, Day, Year)

APR - 2 2007

C. Description of Incident Action

Please use the space below to briefly describe the incident or action that prompted you to seek EEO counseling at this time.

On 1/30/07, 2007
Month, Day Year

Supervisor Shed Williams who is African American displayed discriminatory actions towards Branch President

Ed Tucker who is white by treating him differently than former Branch President John Brown is also African

American. Specifically on 1/30/07 Supervisor Williams informed Branch President Ed Tucker "starting tomorrow

Union time would only be given at 11:00am" thereby denying grievant of Union time first five hours of shift.

Branch President Tucker reminding him that the former branch president received unlimited Union time during

his tenure which began in 1999 and continued through May of 2006. Supervisor Williams was responsible for

allowing Union time for most of Mr. Browns tenure as Branch President and never imposed this restrictive mandate.



EEO Complaint of Discrimination in the Postal Service

(See Instructions and Privacy Act Statement on Reverse)

1. Name JAMES EDWIN TUCKER		2. SSN 222-54-7478	3. Case No. 1C-081-0018-07
4a. Mailing Address – Street or PO Box 143 Wellington Way		4b. City State & Zip +4 Middletown, DE 19709	
5. Email Address*		6. Home Phone (302) 378-2698	7. Work Phone (302) 323-2281
8. Position Title (USPS Employees Only) Mail Handler	9. Grade Level (USPS Employees Only) 4	10. Do you have Veteran's Preference Eligibility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Installation Where You Believe the Discrimination Occurred (Identify Installation, City, State, and Zip+4) Wilmington DE P&DC		12. Name and Title of Person(s) Who Took the Action(s) You Allege was Discriminatory Shed Williams, S.D.O.	
13a. Name of Your Designated Representative (To be named at a later date)		13b. Title	
13c. Mailing Address (Street or P.O. Box)		13d. City, State and Zip +4	
13e. Email Address*		13f. Home Phone ()	13g. Work Phone ()

*Providing this information will authorize the U.S. Postal Service to send you important documents electronically.

14. Type of Discrimination You Are Alleging		15. Date on which alleged act(s) of Discrimination Took Place 1/30/07
<input checked="" type="checkbox"/> Race (Specify): <input type="checkbox"/> Color (Specify): <input type="checkbox"/> Religion (Specify): <input type="checkbox"/> National Origin (Specify):	<input type="checkbox"/> Sex (Specify): <input type="checkbox"/> Age (40+) (Specify): <input checked="" type="checkbox"/> Retaliation (Specify): <input type="checkbox"/> Disability (Specify):	

16. Explain the specific action(s) or situation(s) that resulted in you alleging that you believe you were discriminated against (treated differently than other employees or applicants) because of your race, color, religion, sex, age (40+), national origin, or disability. **Note that if your allegation is like or related to a previous complaint, that complaint may be amended. 29 C.F.R. § 1614.106(d)**

Supervisor Shed Williams who is African American displayed discriminatory actions towards Branch President Ed Tucker who is white by treating him differently than former Branch President John Brown who is also African American. Specifically on 1/30/07 Supervisor Williams informed Branch President Ed Tucker "starting tomorrow Union time would only be given at 11:00am" thereby denying grievant of Union time first 5 hours of shift. That was later amended to deny grievant Union time on Monday, Tuesday, and Friday for entire days indefinitely, regardless of what problems, grievances, arbitrations that might occur on those days. Branch President has repeatedly reminded Supervisor Williams that the former Branch President Brown received unlimited Union time during his tenure which began in 1999 continued through May of 2006. Supervisor Williams was responsible for all wing Union time for most of Mr. Brown's tenure as Branch President and never imposed these restrictive mandates. Complainant further contends that Mr. Williams is also retaliating against grievant because of case no. 1C-081-0032-02.

17. What Remedy Are You Seeking to Resolve this Complaint?

1. Complainant requests the same treatment former Branch President John Brown received from 1999 to May of 06 (At least 30 plus hrs of Union time per week)
2. Payment of each hour denied at the overtime rate until violation ceases.
3. For Pain / Suffering-compensatory damages (\$ amount to be determined later)
4. Punitive damages (\$ amount to be determined later)
5. Make complainant whole in everyway including future earnings denied because of action taken

18. Did You Discuss Your Complaint with a Dispute Resolution Specialist or a REDRESS™ mediator?

☒ Yes **Via Delivery Confirmation 0306 1070 0004 7254 6805 05/04/07**

☐ No

(Date You Received the Notice of Final Interview)

19a. Signature of Dispute Resolution Specialist 	19b. Date
20. Signature of Complainant or Complainant's Attorney 	21. Date of this Complaint 5/10/07



Notice of Right to File Individual Complaint

TO: Name (First, MI, Last)

JAMES EDWIN TUCKER

Re: Case No.

1C-081-0018-07

This notice will attest to the fact that on May 4, 2007, I advised you of the actions taken concerning the alleged discrimination that you brought to my attention. If the matters that you raised during the pre-complaint processing stage have not been resolved, you have the right to file a formal complaint within 15 calendar days of the date you received this notice. If you decide to file a formal complaint, your complaint must be put in writing and signed by you or your attorney, if you retain one to represent you. I am providing you with **PS Form 2565, EEO Complaint of Discrimination in the Postal Service**, for this purpose. The complaint must be delivered to:

NEEOISO FORMAL COMPLAINTS
US POSTAL SERVICE
PO BOX 25438
TAMPA FL 33622-5438

Your complaint will be deemed timely filed if it is received at this address before the expiration of the 15-day filing period, or if it bears a postmark that is dated before the expiration of the filing period. In the absence of a legible postmark, it must be received by mail within 5 calendar days of the expiration of the filing period.

An EEO discrimination complaint can be processed only if the complainant alleges he or she has been discriminated against on the basis of race, color, religion, sex, age (40+), national origin, disability or retaliation for past EEO activity. In addition, courts have ruled the complainant has the burden of presenting evidence which would give rise to an inference of discrimination. A complaint must contain the following information:

(1) Your name, address, position, and level;

- ☒ If you change your address, you have a regulatory requirement to immediately report the change to the Manager, EEO Compliance and Appeals, in your area. (If you are employed at Postal Service Headquarters, a Headquarters Field Unit or by the Postal Inspection Service, you should notify the EEO Appeals Review Specialist at Postal Service Headquarters.)

(2) The specific action or matter complained of, the date of occurrence, and the names of the official(s) who took the alleged discriminatory action at issue in this complaint;

(3) The specific type of discrimination alleged, e.g. race – African American, sex - female, etc.;

- ☒ If you allege disability discrimination, the alleged disability must be more than a temporary condition.
☒ If you allege age discrimination, you must have been at least 40 years of age on the date the alleged discriminatory action occurred.

(4) A brief statement of the facts that led you to believe you were discriminated against and the names of similarly situated individuals whom you believe were treated differently than you.

- ☒ If you allege a failure to accommodate a disability or your religion, you must explain the accommodation sought and why you sought it.
☒ If you allege retaliation, you must show a connection between the action at issue in the complaint you are filing and your past EEO activity. You must also show that when the alleged discriminatory action at issue in this complaint occurred, the management who took the action was aware that you had previously engaged in protected activity.

(5) The name of the EEO Dispute Resolution Specialist who provided you with this notice and the date you received this Notice of Right to File.

Privacy Act Notice

Privacy Act Notice. The collection of this information is authorized by The Equal Employment Opportunity Act of 1972; 42 U.S.C. § 2000e-16; The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 633a; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which to USPS is a party of has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations,

Contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

Signature of Dispute Resolution Specialist 	Date 05/04/2007	Your Signature 	Date Received 5/5/07
--	--------------------	--------------------	-------------------------

Dispute Resolution Specialist: If you are mailing this Notice, you must send it by Certified Mail, Return Receipt Requested



Certified Mail No.	Date Mailed or Hand Delivered on
By (Initials)	Case No.

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Name of Postal Facility Where You Work	Office Telephone No.	
Wilmington, DE P & D C	(302) 323-2281	
Address of Postal Facility	Email Address*	
147 Quigley Blvd, Wilmington, DE 19850		
Employment Status (Check One)	Position Title	Grade Level
<input type="checkbox"/> Applicant <input type="checkbox"/> Casual <input type="checkbox"/> TE <input checked="" type="checkbox"/> Career	Mail Handler/ Union Branch President	4
Pay Location	Off Days (If Tour 1, Show Nights Off)	Time in Current Position
244	Saturday/ Sunday	20 Years 8 Months
Your Supervisor's Name	Supervisor's Title	Supervisor's Telephone No.
Shed Williams	S.D.O.	() 302 323-2281

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APR - 2 2007

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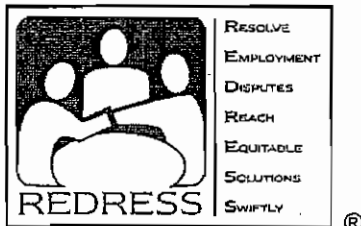
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Branch President Tucker reminding him that the former branch president received unlimited Union time during

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NO AGREEMENT LETTER

Counselee/Complainant : Mr. James Edwin Tucker and Mr. Sheddric Williams, SDO

EEO Case No.: 1C-081-0018-07

District: South Jersey

Mr. James Edwin Tucker and Mr. Sheddric Williams, SDO

appeared for their scheduled mediation on _____.

We appreciate their appearance, participation, unfortunately they were unable to resolve their dispute through this process.

Meryl Smith-Green Meryl Smith-Green 4-05-07
Mediator (print, sign and date)

Ed Tucker 4/5/07
Counselee/Complainant (print, sign and date)

Shedred E. Williams Sheddric Williams 4/5/07
Counselee/Complainant's Representative (print, sign & date)

Management Official (print, sign and date)

Agency Representative (print, sign and date)



NO AGREEMENT LETTER

Counselee/Complainant : Mr. James Edwin Tucker and Mr. Sheddric Williams, SDO

EEO Case No.: 1C-081-0018-07

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Counselee/Complainant's Representative (print, sign & date)

Management Official (print, sign and date)

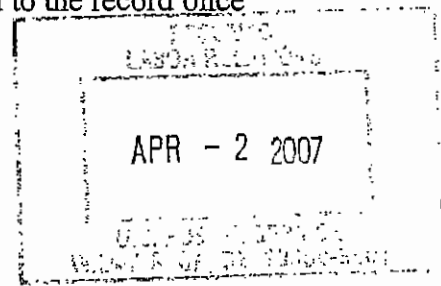
Agency Representative (print, sign and date)

Corrections and Additions**Case # WIL17JET07****LN# C00M-1C-C07090304**

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LABOR RELATIONS SPECIALIST
DELAWARE PROCESSING AND DISTRIBUTION CENTER



UNITED STATES
POSTAL SERVICE

March 23, 2007

Ed Tucker
NPMH Local President
P O BOX 10121
Wilmington DE 19850-0121

C00M-1C-C07110720 DIST081
2007-03-17 00:00:00.0 WIL21JET07
TUCKER
WILMINGTON DE 19850 9997

C00M-1C-C07110716 DIST081
2007-03-17 00:00:00.0 WIL20JET07
TUCKER
WILMINGTON DE 19850 9997

C00M-1C-C07090304 DIST081
2007-02-23 00:00:00.0 WIL17JET07
TUCKER
WILMINGTON DE 19850 9997

C00M-1C-C07086781 DIST081
2007-02-16 00:00:00.0 WIL7JET07
TUCKER
WILMINGTON DE 19850 9997

The above referenced grievances were discussed at Step 2 of our contractual grievance procedure with you on March 23, 2007. The matters presented by the union concerning these grievances, as well as the applicable contractual provisions, have been reviewed and given careful consideration.

The issue is whether there is a violation of Article(s) 2, 15, 19, 17 by management not allowing Branch President Tucker full days of union time. Grievances span numerous dates commencing on January 30, 2007 thru March 8, 2007.

According to records received and reviewed, Management's position is no contractual violation exists. According to TACS records Mr. Tucker has not been denied union time. For the time period listed above Mr. Tucker has received over 74 hours of union time. Mr. Tucker feels that he should be to spend the full day on union time. Article 17, Section 17.3 states "When it is necessary for a steward to leave his/her work area to investigate and adjust grievances or to investigate a specific problem to determine whether to file a grievance, the steward shall *request permission* from the immediate supervisor and such request shall not be unreasonably denied." The key to the statement is unreasonably denied, as can be seen from the amount of time Mr. Tucker was permitted to perform union business his requests have not been denied. Additionally, NPMHU Contract Interpretation Manual, Article 17, 17.3 states "While the steward normally determines how much time the grievant needs to be present during the processing of grievance, the immediate supervisor *may set* a specified time to begin and end a period of grievance handling activity due to services needs." (Source: Step 4 Grievances H1C-4B-C 25906/25998)

In regards to allege violation of Article 2, the Union contends disparity of treatment as former President John Brown was afforded full time union time. TACS records do not reveal that Mr. Brown spent all his time performing union functions. The union failed to support this allegation.

There is no evidence of a contractual violation. Therefore, this grievance is **denied**.

You have the right to appeal this decision under the Grievance/Arbitration Procedures set forth in Article 15 of the National Agreement within fifteen (15) days of your receipt of this letter.

Sincerely,


Barbara Reamer
Labor Relations Specialist

PO Box 10000
WILMINGTON DE 19850-9401
(302) 323-2241
FAX: (302) 323-3709


Union Step II Designee Received On 3/26/07

LABOR RELATIONS SPECIALIST
DELAWARE PROCESSING AND DISTRIBUTION CENTER

C00M-1C-C07104213 DIST081
2007-03-06 00:00:00.0 WIL18JET07
TUCKER
WILMINGTON DE 19850 9997



UNITED STATES
POSTAL SERVICE

March 23, 2007

Ed Tucker
NPMH Local President
P O BOX 10121
Wilmington DE 19850-0121

C00M-1C-C07086789 DIST081
2007-02-16 00:00:00.0 WIL8JET07
TUCKER
WILMINGTON DE 19850 9997
C00M-1C-C07086793 DIST081
2007-02-16 00:00:00.0 WIL9JET07
TUCKER
WILMINGTON DE 19850 9997

C00M-1C-C07104215 DIST081
2007-03-07 00:00:00.0 WIL19JET07
TUCKER
WILMINGTON DE 19850 9997

The above referenced grievances were discussed at Step 2 of our contractual grievance procedure with you on March 23, 2007. The matters presented by the union concerning these grievances, as well as the applicable contractual provisions, have been reviewed and given careful consideration.

The issue is whether there is a violation of Article(s) 2, 15, 19, 17 by management not allowing Branch President Tucker full days of union time. Grievances span numerous dates commencing on January 30, 2007 thru March 8, 2007.

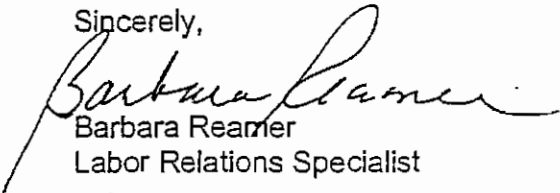
According to records received and reviewed, Management's position is no contractual violation exists. According to TACS records Mr. Tucker has not been denied union time. For the time period listed above Mr. Tucker has received over 74 hours of union time. Mr. Tucker feels that he should be to spend the full day on union time. Article 17, Section 17.3 states "When it is necessary for a steward to leave his/her work area to investigate and adjust grievances or to investigate a specific problem to determine whether to file a grievance, the steward shall request permission from the immediate supervisor and such request shall not be unreasonably denied." The key to the statement is unreasonably denied, as can be seen from the amount of time Mr. Tucker was permitted to perform union business his requests have not been denied. Additionally, NPMHU Contract Interpretation Manual, Article 17, 17.3 states "While the steward normally determines how much time the grievant needs to be present during the processing of grievance, the immediate supervisor *may set* a specified time to begin and end a period of grievance handling activity due to services needs." (Source: Step 4 Grievances H1C-4B-C 25906/25998)

In regards to allege violation of Article 2, the Union contends disparity of treatment as former President John Brown was afforded full time union time. TACS records do not reveal that Mr. Brown spent all his time performing union functions. The union failed to support this allegation.

There is no evidence of a contractual violation. Therefore, this grievance is denied.

You have the right to appeal this decision under the Grievance/Arbitration Procedures set forth in Article 15 of the National Agreement within fifteen (15) days of your receipt of this letter.

Sincerely,


Barbara Reamer
Labor Relations Specialist

PO Box 10000
WILMINGTON DE 19850-9401
(302) 323-2241
FAX: (302) 323-3709


Union Step II Designee Received On 3/26/07

INTERVIEW QUESTIONS:

Employee interviewed: Shed Williams

Interviewer: Ed Tucker

Date: 2/8/07

1. What year did you start supervising mail handlers on Tour two? A:
"reorganization of 92"
2. Were you supervisor of Mail Handlers when John Brown came to tour 2 as AVP?
A: "Yes"
3. What was his bid job? A: " 2c"
4. Did he ever work his bid job? Yes Did John work his job a lot? A: "He worked it when I needed him to work it"
5. Can you think of a day when you only allowed John Brown 3 hours to perform Union Duties? A: "No" If so when? _____
6. How many hours a day was John Brown allowed to go on Union Time?
A: "Whatever mail dictates."
7. Can you prove it? A: "No I don't have anything to show when he was on Union time"
8. Can you prove he was not on Union time? A: " NO "
9. On what Data is this based? A: " None"
10. Do you turn in work assignment sheets like those you provide 204-Bs on Saturday or when you are not present? A: " Does not turn in anywhere, throws away"
11. What do you do with them? A: " Throws away"

12. On average how many hours of Union time do you think John Brown received per week for 1999? _____ 2000? _____ 2001? _____ A: "NO IDEA!" for each year
2002? _____ 2003? _____ 2004? _____ 2005? _____ 2006? _____
13. Did you keep any records of it? A: " No"
14. Did the MDO or In-Plant-Support keep any records of it? A:
" NO"
15. Did you ever impose a 5 hours on the floor work rule for John Brown? A: "NO"
16. If not why not? A: "claims when he needed John was on the floor"
17. Do you use a staffing and planning chart or placard or guide daily on tour two? A:
"Card he makes up himself "
18. If yes have you always used this chart or placard or guide since you supervised mail handlers? A: "Yes"
19. Explain why you came up with this chart or placard or guide? A: "Just to make sure he has all his job filled and in case the BDS system goes off he can account for everyone."
20. Do you turn them over to the MDO? A: " NO" If not what do you do with them? _____ A: "Throw out"
21. Do you feel you are obligated to treat employees equally in regards to taking actions affecting wages, hours and other term and conditions of employment? A:
"Yes"
22. Were you responsible for adjusting John Brown's clock rings for pay purposes? A: "If a problem with tacs I straighten it out"

23. Did you notice if he regularly moved to Union time operation when he was allowed to have Union time? A: "NO"

24. Did you mandate John Brown to clock in on operation 612 daily when he was on Union Time? A: "NO never mandated"

25. If he failed to clock in on operation 612 did you take any action against him? A: "NO it's understood everybody on Union time hits the operation"



Watchmen, Messenger, and Group Leaders

Local #308 - AFL-CIO

A Division of Laborers' International Union

Grievant / Union LOCAL 308

Nature of Allegation

To Management Official Shed Williams

From Union Official Ed Tucker

Date of Request

**Subject: REQUEST FOR INFORMATION AND DOCUMENTATION RELATIVE TO
PROCESSING A GRIEVANCE**

We request that the following documents and / or witnesses be made available to us in order to properly identify whether or not a grievance does exist and if so their relevancy to the grievance:

1. Need Clock rings and the following for John Brown from 1999 to May of 2005 plus the following : a. Employee everything report for entire period b. Assignment sheets for entire tenure as AVP/ Branch President at the Wilmington P & D C.

NOTE: Article 17, Section 3 requires the Employer to provide for review all documents, files, and other records necessary in processing a grievance Article 31, Section 3 requires that the Employer make available for inspection by the Union all relevant information necessary for collective bargaining or the enforcement, administration or interpretation of the Agreement. Under 8a (5) of the National Labor Relations Act it is an Unfair Labor Practice for the Employer to fail to supply relevant information for the purpose of collective bargaining. Grievance processing is an extension of the collective bargaining process.

1/30/07

☒ REQUEST APPROVED

☐ REQUEST DENIED

1/30/07

Date


Signature



Watchmen, Messenger, and Group Leaders

Local #308 - AFL-CIO

A Division of Laborers' International Union

Grievant / Union Ed Tucker / Local 308

Nature of Allegation Disparity

To Management Official Shed Williams

From Union Official Ed Tucker

Date of Request

Subject: REQUEST FOR INFORMATION AND DOCUMENTATION RELATIVE TO
PROCESSING A GRIEVANCE

We request that the following documents and / or witnesses be made available to us in order to properly identify whether or not a grievance does exist and if so their relevancy to the grievance:

Need copies of all 7020 issued on behalf of John Brown during his tenure as AVP/ Branch President (Period 3/99 - 5/06) when Shed Williams was acting in a Supervisory capacity.

NOTE: Article 17, Section 3 requires the Employer to provide for review all documents, files, and other records necessary in processing a grievance. Article 31, Section 3 requires that the Employer make available for inspection by the Union all relevant information necessary for collective bargaining or the enforcement, administration or interpretation of the Agreement. Under 8a (5) of the National Labor Relations Act it is an Unfair Labor Practice for the Employer to fail to supply relevant information for the purpose of collective bargaining. Grievance processing is an extension of the collective bargaining process.

☒ REQUEST APPROVED

☐ REQUEST DENIED

Date

2/2/07

Signature

RECEIVED
LABOR RELATIONS

FEB 16 2007

U.S. POSTAL SERVICE
WILMINGTON, DE 19350-3401



Laborers International Union of North America, AFL-CIO

Delaware Branch of Local 308

Pursuant to Article XV, Section 2, this form must be used to appeal a grievance to Step 2

Date	
MH Initials	USPS Init.

STANDARD GRIEVANCE FORM

USPS Step 2 Designee (Name & Title)

Barbara Reamer

Date
2/23/07Branch Grie No.
WIL17JET07

USPS No.

Installation

Delaware P&DC

Phone

Local Union Branch No.

Business Address

P O Box 10121 Wilmington, DE 19850

Authorized Union Rep

Phone

Phone

Ed Tucker

323-0290

Step 1 Meeting: Held on (Date/Time)
3/07Between USPS Representative
SDO Sheddric WilliamsAnd: Grievant and/or Steward
Ed TuckerGrievant
Tucker

Phone

Home Address

City

State
Delaware

Zip

Classification
4 Mail Handler

Craft

Service

Duty

Installation

Social Security
7478

Veteran

☐ Yes ☒ No

Days

Sat ☐ Sun ☐ Mon ☐ Tue ☐ Wed ☐ Thu ☐ Fri

Level

Step

☐ FTR ☐ PTR ☐ PTFStep 1 Rendered on (date/time)
2/23/07By (name & title)
SDO Sheddric WilliamsSupervisor's Initial
(Upon Request)

Pursuant to Article XV of the National Agreement, We hereby appeal to Step 2, the following Grievance.

Basis: Including but not limited to National (Art. & Sect.) Art 2, 15, 19, 17 Local (Art & Sect.)

Basis Grounds
Disparity

Grievance and Union Contention: Date, Time, Location: 2/15/07 & 2/16/07

What Happen

1/30/07 @0700 Supervisor Williams called Branch President Tucker to desk and informed him that starting tomorrow Union time would only be given at 11:00. Branch Pres. Tucker reminded him it would depend on the pending grievances and Union workload. Then on 1/31/07 at 0600 Steward Tucker requested Union Time to start writing step 3 appeals of which two he had recently received. Supervisor Williams responded with "Do you remember what I said yesterday." Tucker responded with, "Union time depends on the workload and reminded him Steve Collins (APWU) gets 8 hrs a day Union time." Mr. Williams responded with "I don't care what he gets I need you in the operation." Tucker reminded him

Proposed Corrective Action

Award Union time to Branch President Tucker comparable to the amount of Union time provided to former Branch President John Brown. Award 8 hrs OT payment for each daily occurrence.

Ed Tucker
Branch President, State Rep, Steward

Signature

FEB 23 2007

Grievant: Ed Tucker

REIVANCE STANDARD FORM

Grievance #: WIL17JET07

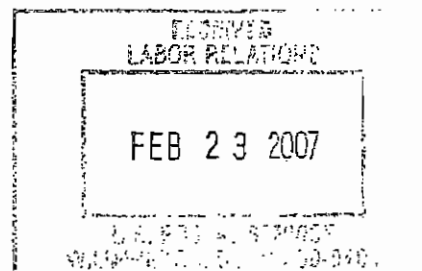
o Contnetions

former Branch President John Brown and how he got unlimited Union Time during his tenure. Supervisor Williams did not care and proceeded to instruct Branch President Tucker to get to work. The Union contends disparity is occurring at this facility and can not be tolerated. The requested information provided should verify this blatant disparity. Therefore the Union contends the corrective action requested above is warranted including making grievant whole for having to take Union workload home to process timely grievances. Grievant is entitled to 5 hrs pay at the overtime rate daily until Supervisor Williams ceases his tactics.

on 2/1/07 at 0600 Tucker informed Supervisor Williams he had some grievances to hold with him. 0610 Tucker again requested Union time due to the grievance workload. Mr. Williams responded with "not until 11:00 get to work". Pay grievant an additional 5 hr pay at OT rate.

on 2/2/07 at 0555 Tucker informed Supervisor Williams he needed Union time at 0600. Supervisor Williams responded "not until 11:00". Pay grievant an additional 5 hrs pay at the OT rate. Grievant is required to take Union workload home to work on it. Also due to the fact that Grievant is being treated differently than former Branch President John Brown in reference to Union time usage.

ain on 2/15/07 and 2/16/07 Mr. Tucker was denied Union time. However these days he was denied five days. Pay grievant 8 hrs pay at the OT rate for each day.





Delaware Branch of Local 308

Pursuant to Article XV, Section 2, this form must be used to appeal a grievance to Step 2

MH initials

USPS Init.

STANDARD GRIEVANCE FORM

Step 2 Designee (Name & Title)

Bara Reamer

Date

3/25/07

Branch Gri No.

WIL28JET07

USPS No.

Installation

Delaware P&DC

Phone

Local Union Branch No.
308

Business Address

P O Box 10121 Wilmington, DE 19850

Authorized Union Rep

Phone

Phone

Ed Tucker

323-0290

1 Meeting: Held on (Date/Time)

3/23/07

Between USPS Representative

SDO Sheddric Williams

And: Grievant and/or Steward

Ed Tucker

Grievant

Tucker

Phone

Home Address

City

State

Delaware

Zip

Classification

MAR 26 2007

Craft

Service

Duty

Mail Handler

Religion

Social Security

7478

Veteran

☐ Yes ☒ No

Days

at ☐ Sun ☐ Mon ☐ Tue ☐ Wed ☐ Thu ☐ Fri

Level

Step

☐ OFTR ☐ OPTR ☐ OPTF

1 Rendered on (date/time)

3/23/07

By (name & title)

SDO Sheddric Williams

Supervisor's Initial

(Upon Request)

Pursuant to Article XV of the National Agreement, We hereby appeal to Step 2, the following Grievance.

Grievance: Including but not limited to National (Art. & Sect.) Art 2. 15. 19. 17 Local (Art & Sect.)

Basis for Grievance: Discrimination (Race)

Cause and Union Contention: Date, Time, Location: Continuous / Various

What Happened

1/30/07 @0700 Supervisor Williams called Branch President Tucker to desk and informed him that tomorrow Union time would only be given at 11:00. Branch Pres. Tucker reminded him it would be on the pending grievances and Union workload. Then on 1/31/07 at 0600 Steward Tucker requested Union Time to start writing step 3 appeals of which two he had recently received. Supervisor Williams responded with "Do you remember what I said yesterday." Tucker responded with, "Union time depends on the workload and reminded him Steve Collins (APWU) gets 8 hrs a day Union time." Mr. Williams responded with "I don't care what he gets I need you in the operation." Tucker reminded him

Recommended Action

Award Union time to Branch President Tucker comparable to the amount of Union time provided to former Branch President John Brown. Award 24 hrs OT payment for denied Union Time per week until situation ceases.

Signature of Branch President, State Rep, Steward

Ed Tucker

Signature

Grievant: Ed Tucker

EIVANCE STANDARD FORM

Grievance #: WIL28JET07

1. Contentions

former Branch President John Brown and how he got unlimited Union Time during his tenure. Supervisor Williams did not care and proceeded to instruct Branch President Tucker to get to work. The Union contends disparity is occurring at this facility and can not be tolerated. The requested information provided should verify this blatant disparity. Therefore the Union contends the corrective action requested above is warranted including making grievant whole for having to take Union workload home to process timely grievances. Grievant is entitled to 5 hrs pay at the overtime rate daily until Supervisor Williams ceases his tactics.

On 2/1/07 at 0600 Tucker informed Supervisor Williams he had some grievances to hold with him. On 2/10/07 Tucker again requested Union time due to the grievance workload. Mr. Williams responded with "not until 11:00 get to work". Pay grievant an additional 5 hr pay at OT rate.

On 2/2/07 at 0555 Tucker informed Supervisor Williams he needed Union time at 0600. Supervisor Williams responded "not until 11:00". Pay grievant an additional 5 hrs pay at the OT rate. Grievant is required to take Union workload home to work on it. Also due to the fact that Grievant is treated differently than former Branch President John Brown in reference to Union time usage.

On 2/15/07 and 2/16/07 Mr. Tucker was denied Union time. However these days he was denied 8 days. Pay grievant 8 hrs pay at the OT rate for each day.

On 2/26/07 Mr. Tucker was not provided Union time until 11:00. Pay grievant 5 hrs pay at OT rate.

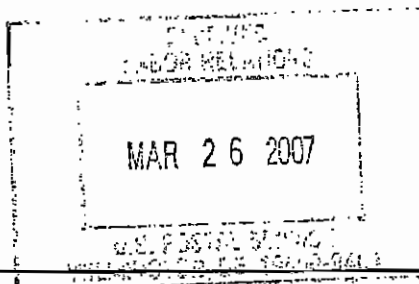
2/27/07-3/1/07 grievant was at QWL sessions in Philadelphia. Upon return on 3/2/07 grievant denied Union time until 1000 am denying grievant 4 hrs for this day.

On 3/6/07 Mr. Tucker requested Union time at 6: am. Supervisor Williams told him no, go to work. At 0830 Mr. Tucker again reminded him he needed Union Time. Mr. Williams stated you are not working any today. Then at 10:30 Supervisor Williams shed pages Mr. Tucker and informs him he can go on Union time. Pay grievant 4 1/2 hrs pay at the overtime rate to Branch President Tucker.

3/7/07 Branch President Tucker again denied Union time. Pay 5 hrs at the overtime rate to grievant.

3/8/07 Supervisor Williams required Tucker to report to operation 185 inspite of Union workload. Pay grievant 3 hrs at the overtime rate.

On 3/9/07 Branch President Tucker was denied Union time the entire day. Pay grievant 8 hrs at the overtime rate.



Grievant: Ed Tucker

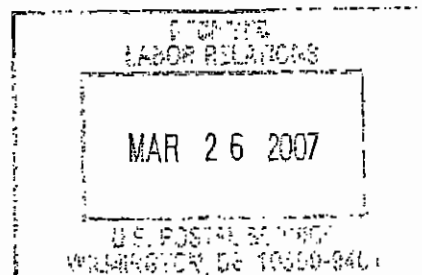
GRIEVANCE STANDARD FORM

Grievance #: WIL28JET07

What Happen

12/07 grievant was not allowed any Union Time. Pay 8 hrs at overtime rate to grievant. Then again 13/07 grievant was denied Union time until 11: 15. Award 5 hrs pay at the overtime. On 3/15/07 & 3/16/07 grievant was denied 5 hrs of union time each day. On 3/19/07 and 3/20/07 grievant was denied 16 hrs of union time. Pay 26 hrs at the overtime rate.

Management continues to deny Branch President Ed Tucker comparable Union time as former Branch President John Brown. Grievant is requesting same amount of Union time John Brown received and payment of 24 hrs at the overtime rate per week until discriminatory practice ceases (Additional Information to be provided).





Watchmen, Messenger, and Group Leaders

Local #308 - AFL-CIO

A Division of Laborers' International Union

Grievant / Union Ed Tucker / Local 308

Nature of Allegation Disparity

To Managment Official Shed Williams

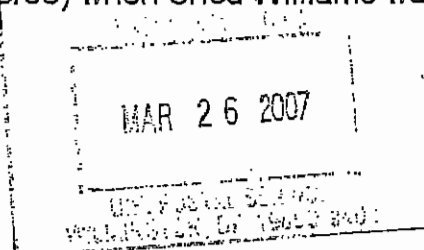
From Union Official Ed Tucker

Date of Request

**Subject: REQUEST FOR INFORMATION AND DOCUMENTATION RELATIVE TO
PROCESSING A GRIEVANCE**

We request that the following documents and / or witnesses be made available to us in order to properly identify whether or not a grievance does exist and if so their relevancy to the grievance:

Need copies of all change of schedules issued on behalf of John Brown during his tenure as AVP/ Branch President (Period 3/99 - 5/06) when Shed Williams was acting in a Supervisory capacity.



NOTE: Article 17, Section 3 requires the Employer to provide for review all documents, files, and other records necessary in processing a grievance
Article 31, Section 3 requires that the Employer make available for inspection by the Union all relevent information necessary for collective bargaining or the enforcement, administration or interpretation of the Agreement. Under 8a (5) of the National Labor Relations Act it is an Unfair Labor Practice for the Employer to fail to supply relevent information for the purpose of collective bargaining
Grievance processing is an extension of the collective bargaining process.

forwarded to labor

☐ REQUEST APPROVED

☐ REQUEST DENIED

3/23/07

Date

[Signature]
Signature

Laborers International Union of North America, AFL-CIO

Delaware Branch of Local 308

Date	
MR Initials	USPS Init.

WARD GRIEVANCE FORM

Date 2/16/07	Branch Gri No. WIL7JET07	USPS No.
Installation Delaware P&DC		Phone

Step 2 Designee (Name & Title)

Reamer

Local Union Branch No.
08

Business Address

P O Box 10121 Wilmington, DE 19850

Authorized Union Rep

Ed Tucker

Phone

323-0290

Phone

Meeting: Held on (Date/Time)

2/8/07

Between USPS Representative

Shed William, SDO

And: Grievant and/or Steward

Ed Tucker

t

ker

Phone

Address

City

State

Delaware

Zip

Classification

Craft

Service

Duty

Mail Handler

Job

Social Security

7478

Veteran

☐ Yes ☒ No

S

Level

Step

☐ Sun ☐ Mon ☐ Tue ☐ Wed ☐ Thu ☐ Fri☐ OFTR ☐ OPTR ☐ OPTF

Rendered on (date/time)

2/8/07

By (name & title)

Shed Williams

Supervisor's Initial

(Upon Request)

n: Including but not limited to National (Art. & Sect.) Art 2, 15, 19, 17 Local (Art & Sect.)

Grounds Interview

nd Union Contention: Date, Time, Location: continuous

appen

10/07 @0700 Supervisor Williams called Branch President Tucker to desk and informed him g tomorrow Union time would only be given at 11:00. Branch Tucker reminded him it would d on the pending grievances and Union workload. Then on 1/31/07 at 0600 Steward Tucker sted Union Time to start writing step 3 appeals of which two he had recently received. Supervisor ns responded with "Do you remember what I said yesterday." Tucker responded with, "Union time ds on the workload and reminded him Steve Collins gets 8 hrs a day Union time." Mr. ns responded with "I don't care what he gets I need you in the operation." Tucker reminded him

tive Action

Union time to Branch President Tucker comparable to the amount of Union time provided to former h President John Brown. Award 5 hrs OT payment for each daily occurrence.

Ed Tucker

President, State Rep, Steward

Signature

EMPLOYEES
LABOR RELATIONS

FEB 16 2007

U.S. POSTAL SERVICE

WILMINGTON, DE 19850-3401

Grievant: Ed Tucker

GRIEVANCE STANDARD FORM

Grievance #: WIL7JET07

Continuations

Former Branch President John Brown (who is for the record is African American) and how he got
limited Union Time during his tenure. Supervisor Williams did not care and proceeded to
instruct Branch President Tucker to get to work. The Union contends Discriminatory practices are
occurring at this facility and can not be tolerated. The requested information once provided should verify
blatant disparity and discriminatory practice. Therefore the Union contends the corrective action
requested above is warranted including making grievant whole for having to take Union workload home to
process timely grievances. Grievant is entitled to 5 hrs pay at the overtime rate daily until Supervisor
Williams ceases discriminatory practices. Additionally Grievant requests other monetary entitlements
provided by law once defendant is found guilty of illegal practices.

Laborers International Union of North America, AFL-CIO
Delaware Branch of Local 308

Date	Resolved
WFI Initials	USPS Init.

STANDARD GRIEVANCE FORM

PS Step 2 Designee (Name & Title)

ra Reamer

Date
2/16/07Branch Gri No.
WIL8JET07

USPS No.

Installation

Phone

Delaware P&DC

Local Union Branch No.
308

Business Address

P O Box 10121 Wilmington, DE 19850

Authorized Union Rep

Phone

Phone

Ed Tucker

323-0290

Meeting: Held on (Date/Time)

2/8/07

Between USPS Representative

Shed William, SDO

And: Grievant and/or Steward

Ed Tucker

nt

icker

Phone

Address

City

State

Zip

Delaware

Classification

Craft

Service

Duty

Mail Handler

ation

Social Security

7478

Veteran

☐ Yes ☒ No

ys

Level

Step

☐ Sun ☐ Mon ☐ Tue ☐ Wed ☐ Thu ☐ Fri☐ OFTR ☐ PTR ☐ OPTF

Rendered on (date/time)

2/8/07

By (name & title)

Shed Williams

Supervisor's Initial

(Upon Request)

ion: Including but not limited to National (Art. & Sect.) Art 2, 15, 19, 17 Local (Art & Sect.)

Gorunds Interview

and Union Contention: Date, Time, Location:

Various

Happen

1/30/07 @0700 Supervisor Williams called Branch President Tucker to desk and informed him
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ams responded with "I don't care what he gets I need you in the operation." Tucker reminded him

Active Action

v Union time to Branch President Tucker comparable to the amount of Union time provided to former
ch President John Brown. Award 5 hrs OT payment for each daily occurrence.

Ed Tucker

ch President, State Rep, Steward

LABOR RELATIONS

Signature

FEB 16 2007

Grievant: Ed Tucker

GRIEVANCE STANDARD FORM

Grievance #: WIL8JET07

Continuations

former Branch President John Brown and how he got unlimited Union Time during his tenure. Supervisor Williams did not care and proceeded to instruct Branch President Tucker to get to work. The Union contends disparity is occurring at this facility and can not be tolerated. The requested information provided should verify this blatant disparity. Therefore the Union contends the corrective action requested above is warranted including making grievant whole for having to take Union workload home to process timely grievances. Grievant is entitled to 5 hrs pay at the overtime rate daily until Supervisor Williams ceases his tactics.

On 2/1/07 at 0600 Tucker informed Supervisor Williams he had some grievances to hold with him. 310 Tucker again requested Union time due to the grievance workload. Mr. Williams responded with "until 11:00 get to work". Pay grievant an additional 5 hr pay at OT rate.



Watchmen, Messenger, and Group Leaders

Local #308 - AFL-CIO

A Division of Laborers' International Union

Grievant / Union LOCAL 308

Nature of Allegation

To Managment Official Shed Williams

From Union Official Ed Tucker

Date of Request

Subject: REQUEST FOR INFORMATION AND DOCUMENTATION RELATIVE TO
PROCESSING A GRIEVANCE

We request that the following documents and / or witnesses be made available to us in order to properly identify whether or not a grievance does exist and if so their relevancy to the grievance:

1. Need Clock rings and the following for John Brown from 1999 to May of 2005 plus the following : a. Employee everything report for entire period b. Assignment sheets for entire tenure as AVP/ Branch President at the Wilmington P & D C.

NOTE: Article 17, Section 3 requires the Employer to provide for review all documents, files, and other records necessary in processing a grievance Article 31, Section 3 requires that the Employer make available for inspection by the Union all relevent information necessary for collective bargaining or the enforcement, administration or interpretation of the Agreement. Under 8a (5) of the National Labor Relations Act it is an Unfair Labor Practice for the Employer to fail to supply relevent information for the purpose of collective bargaining. Grievance processing is an extension of the collective bargaining process.

1/30/07

☒ REQUEST APPROVED

☐ REQUEST DENIED

1/30/07

Date

Signature

International Union of North America, AFL-CIO
Delaware Branch of Local 308

Withdrawn	Resolved
Date	
MR Initials	USPS Init.

WARD GRIEVANCE FORM

PS Step 2 Designee (Name & Title)

ra Reamer

Date
2/16/07

Branch Grie No.
WIL9JET07

USPS No.

Installation

Delaware P&DC

Phone

Local Union Branch No.

308

Business Address

P. O Box 10121 Wilmington, DE 19850

Authorized Union Rep

Ed Tucker

Phone

323-0290

Phone

Meeting: Held on (Date/Time)

2/8/07

Between USPS Representative
Shed William, SDO

And: Grievant and/or Steward

Ed Tucker

nt

icker

Phone

Address

City

State

Delaware

Zip

Classification

Mail Handler

Craft

MH

Service

7/19/86

Duty

ation

Social Security
7478

Veteran

☐ Yes ☒ No

ys

it ☒ Sun ☐ Mon ☐ Tue ☐ Wed ☐ Thu ☐ Fri

Level

Step

☒ FTR ☐ PTR ☐ PTF

Rendered on (date/time)

2/8/07

By (name & title)

Shed Williams

Supervisor's Initial
(Upon Request)

ion: Including but not limited to National (Art. & Sect.) Art 2, 15, 19, 17 Local (Art & Sect.)

Gorunds Interview

and Union Contention: Date, Time, Location: Various

Happen

1/30/07 @0700 Supervisor Williams called Branch President Tucker to desk and informed him
ing tomorrow Union time would only be given at 11:00. Branch Pres. Tucker reminded him it would
end on the pending grievances and Union workload. Then on 1/31/07 at 0600 Steward Tucker
ested Union Time to start writing step 3 appeals of which two he had recently received. Supervisor
ams responded with "Do you remember what I said yesterday." Tucker responded with, "Union time
ends on the workload and reminded him Steve Collins (APWU) gets 8 hrs a day Union time." Mr.
ams responded with "I don't care what he gets I need you in the operation." Tucker reminded him

ective Action

w Union time to Branch President Tucker comparable to the amount of Union time provided to former
ch President John Brown. Award 5 hrs OT payment for each daily occurrence.

Ed Tucker
ch President, State Rep, Steward

Signature

[Signature]

Grievant: Ed Tucker

GRIEVANCE STANDARD FORM

Grievance #: WIL9JET07

Incident Details

former Branch President John Brown and how he got unlimited Union Time during his tenure. Supervisor Williams did not care and proceeded to instruct Branch President Tucker to get to work. The Union contends disparity is occurring at this facility and can not be tolerated. The requested information provided should verify this blatant disparity. Therefore the Union contends the corrective action requested above is warranted including making grievant whole for having to take Union workload home to process timely grievances. Grievant is entitled to 5 hrs pay at the overtime rate daily until Supervisor Williams ceases his tactics.

On 2/1/07 at 0600 Tucker informed Supervisor Williams he had some grievances to hold with him. At 10:00 Tucker again requested Union time due to the grievance workload. Mr. Williams responded with "until 11:00 get to work". Pay grievant an additional 5 hr pay at OT rate.

On 2/2/07 at 0555 Tucker informed Supervisor Williams he needed Union time at 0600. Supervisor Williams responded "not until 11:00". Pay grievant an additional 5 hrs pay at the OT rate. The grievant is required to take Union workload home to work on it. Also due to the fact that Grievant is being treated differently than former Branch President John Brown in reference to Union time usage.



Delaware Branch of Local 308

Pursuant to Article XV, Section 2, this form must be used to appeal a grievance to Step 2

Date	
UFI Initials	USPS Init.

STANDARD GRIEVANCE FORM

PS Step 2 Designee (Name & Title)

Ed Tucker

Date 3/5/07	Branch Griev. No. WIL18JET07	USPS No.
Installation Delaware P&DC	Phone	

Local Union Branch No.
308

Business Address

P O Box 10121 Wilmington, DE 19850

Authorized Union Rep

Ed Tucker

Phone

Phone

Meeting: Held on (Date/Time)

3/5/07

Between USPS Representative

SDO Sheddric Williams

And: Grievant and/or Steward

Ed Tucker

nt

icker

Phone

Address

City

State

Delaware

Zip

Classification

Mail Handler

Craft

Service

Duty

ation

Social Security

7478

Veteran

☐ Yes ☒ No

ys

☐ Sun ☐ Mon ☐ Tue ☐ Wed ☐ Thu ☐ Fri

Level

Step

☐ OFTR ☐ OPTR ☐ OPTF

Rendered on (date/time)

3/5/07

By (name & title)

SDO Sheddric Williams

Supervisor's Initial

(Upon Request)

Pursuant to Article XV of the National Agreement, We hereby appeal to Step 2, the following Grievance.

Grievance: Including but not limited to National (Art. & Sect.) Art 2, 15, 19, 17 Local (Art & Sect.)

Grounds

Discrimination

and Union Contention: Date, Time, Location: 2/26/07 & 3/2/07

Happen

1/30/07 @0700 Supervisor Williams called Branch President Tucker to desk and informed him that tomorrow Union time would only be given at 11:00. Branch Pres. Tucker reminded him it would be based on the pending grievances and Union workload. Then on 1/31/07 at 0600 Steward Tucker requested Union Time to start writing step 3 appeals of which two he had recently received. Supervisor Williams responded with "Do you remember what I said yesterday." Tucker responded with, "Union time is based on the workload and reminded him Steve Collins (APWU) gets 8 hrs a day Union time." Mr. Williams responded with "I don't care what he gets I need you in the operation." Tucker reminded him

Effective Action

Union time to Branch President Tucker comparable to the amount of Union time provided to former Branch President John Brown. Award 9hrs OT payment for both days denied.

Ed Tucker

Branch President, State Rep, Steward

Signature

[Signature]

RECEIVED
LABOR RELATIONS

MAR - 6 2007

U.S. POSTAL SERVICE
WILMINGTON, DE 19850-9401

EIVANCE STANDARD FORM

Grievance #: WIL18JET07

(tnetions

ner Branch President John Brown and how he got unlimited Union Time during his tenure. Supervisor Williams did not care and proceeded to instruct Branch President Tucker to get to work. The contents disparity is occurring at this facility and can not be tolerated. The requested information provided should verify this blatant disparity. Therefore the Union contends the corrective action stated above is warranted including making grievant whole for having to take Union workload home to process timely grievances. Grievant is entitled to 5 hrs pay at the overtime rate daily until Supervisor ceases his tactics.

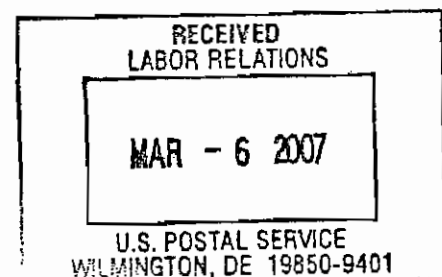
on 2/1/07 at 0600 Tucker informed Supervisor Williams he had some grievances to hold with him. 10 Tucker again requested Union time due to the grievance workload. Mr. Williams responded with "not until 11:00 get to work". Pay grievant an additional 5 hr pay at OT rate.

on 2/2/07 at 0555 Tucker informed Supervisor Williams he needed Union time at 0600. Supervisor Williams responded "not until 11:00". Pay grievant an additional 5 hrs pay at the OT rate. Grievant is required to take Union workload home to work on it. Also due to the fact that Grievant is treated differently than former Branch President John Brown in reference to Union time usage.

on 2/15/07 and 2/16/07 Mr. Tucker was denied Union time. However these days he was denied 8 hrs pay at the OT rate for each day.

on 2/26/07 Mr. Tucker was not provided Union time until 11:00. Pay grievant 5 hrs pay at the OT rate.

2/27/07-3/1/07 grievant was at QWL sessions in Philadelphia. Upon return on 3/2/07 grievant denied 4 hrs pay at the OT rate for this day.





Laborers International Union of North America, AFL-CIO

Delaware Branch of Local 308

Pursuant to Article Xv, Section 2, this form must be used to appeal a grievance to Step 2

Date	
MH Initials	USPS Init.

STANDARD GRIEVANCE FORM

Step 2 Designee (Name & Title)

Tara Reamer

Date

3/7/07

Branch Griev. No.
WIL19JET07

USPS No.

Installation

Delaware P&DC

Phone

Local Union Branch No.
308

Business Address

P O Box 10121 Wilmington, DE 19850

Authorized Union Rep

Ed Tucker

Phone

323-0290

Phone

1 Meeting: Held on (Date/Time)

3/7/07

Between USPS Representative

SDO Sheddric Williams

And: Grievant and/or Steward

Ed Tucker

Grievant

Tucker

Phone

Home Address

City

State

Delaware

Zip

Classification

Craft

Service

Duty

Mail Handler

Education

Social Security
7478

Veteran

☐ Yes ☒ No

Days

at ☐ Sun ☐ Mon ☐ Tue ☐ Wed ☐ Thu ☐ Fri

Level

Step

☐ OFTR ☐ PTR ☐ PTF

1 Rendered on (date/time)

3/7/07

By (name & title)

SDO Sheddric Williams

Supervisor's Initial
(Upon Request)

Pursuant to Article XV of the National Agreement, We hereby appeal to Step 2, the following Grievance.

Grievance: Including but not limited to National (Art. & Sect.) Art 2, 15, 19, 17 Local (Art & Sect.)

Basis: Grounds Discrimination

Grievance and Union Contention: Date, Time, Location: 3/6/07

What Happen

1/30/07 @0700 Supervisor Williams called Branch President Tucker to desk and informed him that tomorrow Union time would only be given at 11:00. Branch Pres. Tucker reminded him it would end on the pending grievances and Union workload. Then on 1/31/07 at 0600 Steward Tucker requested Union Time to start writing step 3 appeals of which two he had recently received. Supervisor Williams responded with "Do you remember what I said yesterday." Tucker responded with, "Union time ends on the workload and reminded him Steve Collins (APWU) gets 8 hrs a day Union time." Mr. Williams responded with "I don't care what he gets I need you in the operation." Tucker reminded him

Proposed Action

Award Union time to Branch President Tucker comparable to the amount of Union time provided to former Branch President John Brown. Award 4 1/2 hrs OT payment for denied Union Time.

Signature of Grievant
Ed Tucker
Branch President, State Rep, Steward

Signature

Grievant: Ed Tucker

REIVANCE STANDARD FORM

Grievance #: WIL19JET07

Continuations

former Branch President John Brown and how he got unlimited Union Time during his tenure. Supervisor Williams did not care and proceeded to instruct Branch President Tucker to get to work. The Union contends disparity is occurring at this facility and can not be tolerated. The requested information provided should verify this blatant disparity. Therefore the Union contends the corrective action requested above is warranted including making grievant whole for having to take Union workload home to process timely grievances. Grievant is entitled to 5 hrs pay at the overtime rate daily until Supervisor Williams ceases his tactics.

On 2/1/07 at 0600 Tucker informed Supervisor Williams he had some grievances to hold with him. 610 Tucker again requested Union time due to the grievance workload. Mr. Williams responded with "not until 11:00 get to work". Pay grievant an additional 5 hr pay at OT rate.

On 2/2/07 at 0555 Tucker informed Supervisor Williams he needed Union time at 0600. Supervisor Williams responded "not until 11:00". Pay grievant an additional 5 hrs pay at the OT rate. The grievant is required to take Union workload home to work on it. Also due to the fact that Grievant is being treated differently than former Branch President John Brown in reference to Union time usage.

On 2/15/07 and 2/16/07 Mr. Tucker was denied Union time. However these days he was denied 8 hrs. Pay grievant 8 hrs pay at the OT rate for each day.

On 2/26/07 Mr. Tucker was not provided Union time until 11:00. Pay grievant 5 hrs pay at OT rate.

2/27/07-3/1/07 grievant was at QWL sessions in Philadelphia. Upon return on 3/2/07 grievant denied Union time until 1000 am denying grievant 4 hrs for this day.

On again on 3/6/07 Mr. Tucker requested Union time at 6: am. Supervisor Williams told him no, go to work. At 0830 Mr. Tucker again reminded him he needed Union Time. Mr. Williams stated you are not working any today. Then at 10:30 Supervisor Williams called Mr. Tucker and informs him he can go on Union time. Pay grievant 4 1/2 hrs pay at the overtime rate to Branch President Tucker.

Additions

Out of extreme caution Plaintiff reserves the right to add an additional individual to the record that was treated comparable to former Branch President. This will only be provided if necessary to further prove plaintiff's case as plaintiff fears recrimination to individual.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
P. O. Box 19848
Washington, D.C. 20036

James E. Tucker,
Complainant,

v.

John E. Potter,
Postmaster General,
United States Postal Service,
Agency.

Appeal No. 0120073042

Agency No. 1C-081-0018-07

DECISION

Complainant filed an appeal with this Commission from the agency's decision dated May 25, 2007, dismissing his complaint of unlawful employment discrimination in violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e *et seq.* Upon review, the Commission finds that complainant's complaint was properly dismissed pursuant to 29 C.F.R. § 1614.107(a)(1) for failure to state a claim. In a complaint dated May 17, 2007, complainant alleged that he was subjected to discrimination on the bases of race and reprisal for prior protected EEO activity when:

Beginning on or about January 31, 2007, complainant was denied Union Duty time.

The Commission has held that a complainant should not use the EEO complaint process to raise a matter more appropriately brought pursuant to the collective bargaining agreement. *See Wills v. Department of Defense*, EEOC Request No. 05970596 (July 30, 1998). Accordingly, the agency's final decision dismissing complainant's complaint for failure to state a claim is AFFIRMED.

STATEMENT OF RIGHTS - ON APPEAL

RECONSIDERATION (M0701)

The Commission may, in its discretion, reconsider the decision in this case if the complainant or the agency submits a written request containing arguments or evidence which tend to establish that:

1. The appellate decision involved a clearly erroneous interpretation of material fact or law; or
2. The appellate decision will have a substantial impact on the policies, practices, or operations of the agency.

Requests to reconsider, with supporting statement or brief, must be filed with the Office of Federal Operations (OFO) within thirty (30) calendar days of receipt of this decision or within twenty (20) calendar days of receipt of another party's timely request for reconsideration. *See* 29 C.F.R. § 1614.405; Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110), 9-18 (November 9, 1999). All requests and arguments must be submitted to the Director, Office of Federal Operations, Equal Employment Opportunity Commission, P.O. Box 19848, Washington, D.C. 20036. In the absence of a legible postmark, the request to reconsider shall be deemed timely filed if it is received by mail within five days of the expiration of the applicable filing period. *See* 29 C.F.R. § 1614.604. The request or opposition must also include proof of service on the other party.

Failure to file within the time period will result in dismissal of your request for reconsideration as untimely, unless extenuating circumstances prevented the timely filing of the request. Any supporting documentation must be submitted with your request for reconsideration. The Commission will consider requests for reconsideration filed after the deadline only in very limited circumstances. *See* 29 C.F.R. § 1614.604(c).

COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (S0900)

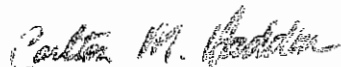
You have the right to file a civil action in an appropriate United States District Court within ninety (90) calendar days from the date that you receive this decision. If you file a civil action, you must name as the defendant in the complaint the person who is the official agency head or department head, identifying that person by his or her full name and official title. Failure to do so may result in the dismissal of your case in court. "Agency" or "department" means the national organization, and not the local office, facility or department in which you work. If you file a request to reconsider and also file a civil action, filing a civil action will terminate the administrative processing of your complaint.

RIGHT TO REQUEST COUNSEL (Z1199)

If you decide to file a civil action, and if you do not have or cannot afford the services of an attorney, you may request that the Court appoint an attorney to represent you and that the Court permit you to file the action without payment of fees, costs, or other security. *See* Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*; the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 791, 794(c). The grant or denial of the request is within the sole

discretion of the Court. Filing a request for an attorney does not extend your time in which to file a civil action. Both the request and the civil action must be filed within the time limits as stated in the paragraph above ("Right to File A Civil Action").

FOR THE COMMISSION:



Carlton M. Hadden, Director
Office of Federal Operations

SEP 13 2007

Date

CERTIFICATE OF MAILING


For timeliness purposes, the Commission will presume that this decision was received within five (5) calendar days after it was mailed. I certify that this decision was mailed to the following recipients on the date below:

James E. Tucker
143 Wellington Way
Middletown, DE 19709

U.S. Postal Service (Eastern Area)
NEEOISO - Appeals
U.S. Postal Service
PO Box 21979
Tampa, FL 33622-1979

SEP 18 2007

Date



Equal Opportunity Assistant

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dalleo
CLERK

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

RE: C.A.# 07-817

CASE CAPTION: _____ v. _____

ACKNOWLEDGMENT OF RECEIPT FOR F.R.Civ.P. 4

I hereby acknowledge receipt of a copy of Rule 4 (Summons) of the Federal Rules of Civil Procedure, and understand that it is my responsibility to make service of process on defendants in accordance with this rule.

Date Received 12/14/07
by Plaintiff:

Signed: X [Signature]
Pro Se Plaintiff

Date Received 12/14/07
by Clerk's office:

Signed: [Signature]
Deputy Clerk

Note: If you received Federal Rule 4 by mail, please sign this receipt and return it to:

Clerk
U.S. District Court
844 N. King Street
Lockbox 18
Wilmington, DE 19801

If applicable, Rule 4 mailed to plaintiff:

Date mailed

By Deputy Clerk

cc: Docketing Clerk

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

07-817

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS <u>James E. Tucker</u> (b) County of Residence of First Listed Plaintiff <u>New Castle County</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) <u>To Be Provided</u>	DEFENDANTS <u>John E. Potter, Postmaster General</u> <u>U.S.P.S. Agency</u> County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) _____
---	---

II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width: 100%;"> <tr> <td style="width: 50%;"> Citizen of This State <input type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 </td> <td style="width: 50%;"> PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6 </td> </tr> </table>	Citizen of This State <input type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State <input type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6		

IV. NATURE OF SUIT (Place an "X" in One Box Only)	
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employees' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition
FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 894 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	

V. ORIGIN (Place an "X" in One Box Only)							
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment	

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity.) <u>Unlawful employment discrimination in violation of Title VII of the Civil Rights Act of 1964</u> Brief description of cause. <u>Plaintiff was subjected to discrim. of race and reprisal by denial of Union Time.</u>
----------------------------	---

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$5 to be determined Comparable Union time to predecessor JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------------	--

VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE <u>N/A</u> DOCKET NUMBER _____
-------------------------------------	--

DATE <u>12/14/07</u>	SIGNATURE OF ATTORNEY OF RECORD <u>J. Edwin Tucker</u>
-------------------------	---

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
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AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 07-817

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 2 COPIES OF AO FORM 85.

12/14/07
(Date forms issued)

X [Signature]
(Signature of Party or their Representative)

X J. Edwin Tucker
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action